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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/19/2001

09/20/2001

Christoph Schmitz

R00069US

4113

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EXAMINER

KEEHAN, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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1712

12

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,731

Applicant(s)

SCHMITZ ET AL.

Examiner

Christopher M. Keehan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

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DETAILED ACTION

Note: the amendment filed March 20, 2003 was entered as it was written.

However, it appears that it was written incorrectly. On page 4 of the response, applicant has amended "the sixth full paragraph on page 3 and the second full paragraph on page 13 as provided below." However, the section that shows the changes has these paragraphs reversed, so the change was made in each case to the other paragraph. It is suggested upon response to this action that applicant file another amendment to solve this problem.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The objection to the drawings has been withdrawn due to applicant's amendments.

Claim Rejections - 35 USC § 112

The rejection of claims 1-11 under 35 U.S.C. 112, first paragraph, has been withdrawn due to applicant's amendments.

The rejection of claim 2 under 35 U.S.C. 112, second paragraph, has been withdrawn due to applicant's amendments.

Claim Rejections - 35 USC § 102

The rejection of claims 1-11 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sherman et al. (6,407,195 B2) has been maintained and is as set forth in the previous office action.

Examiner's Suggestions

The following are suggestions by the examiner to create a clearer prosecution record. These suggestions are not objections or rejections, but merely some things that might prove helpful upon consideration by applicant. In claim 1, the claim language "the organic adhesive solution to be coated" could be confusing in that this term is not recited earlier in the claim. Although it is fairly apparent that the organic adhesive solution is in fact the polysiloxane PSA recited earlier in the claim, applicant might want to change the claim language to adhere to the polysiloxane PSA or just the PSA.

Response to Arguments

Applicant's arguments filed 3/11/03 regarding claims 1-11 have been fully considered but they are not persuasive. Applicant has argued, beginning on page 11, first paragraph of applicant's response, that Sherman et al. teach that the alkyl titanates, such as titanium acetylacetonate, are used as curing catalysts which promote the crosslinking reaction of the silane crosslinking agents. Sherman et al. disclose that the composition can optionally contain various free radical initiators, silane crosslinking

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agents, moisture cure catalysts, fillers, and other property modifiers (col.13, lines 34-40). Sherman et al. also disclose that suitable curing catalysts for moisture curable copolymers are alkyl titanates, such as titanium acetylacetonate (col.14, lines 43). Sherman et al. also disclose that silane crosslinking agents may also be used (col.13, lines 47-49). In addition, Sherman et al. disclose that suitable curing catalysts for moisture curable copolymers can be alkyl titanates, such as titanium acetylacetonate (col.14, lines 35-43). Applicant has cited Sherman et al., at col.14, lines 43-47, as actually teaching away from the use of titanium acetylacetonate by preferring to select silane crosslinking agents which do not require additional curing catalysts. Sherman et al. do not teach away from using titanium acetylacetonate, but rather curing catalysts such as these for use with silane crosslinking agents when silane crosslinking agents are used. Sherman et al. do not require the addition of silane crosslinking agents, and the addition of the alkyl titanates, such as titanium acetylacetonate, are not dependent on the inclusion of silane crosslinking agents. Applicant has argued that the claim language in claim 1 excludes Sherman et al. because Sherman et al. contain a second component, but as set forth above, the inclusion of silane crosslinking agents (a second component) is optional. Therefore, Sherman et al. appears to still apply in this case.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (703) 305-2778. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on 308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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Christopher Keehan *CK*

May 19, 2003

Robert A. Brown